

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**POWERTRAIN, INC., A MISSISSIPPI  
CORPORATION**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 1:11CV105-GHD-DAS**

**JOYCE MA, INDIVIDUALLY, AND  
BEST MACHINERY & ELECTRICAL, INC.**

**DEFENDANT**

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**MOTION FOR JUDGMENT BY DEFAULT**

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**COMES NOW** the Plaintiff, by and through counsel and pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, respectfully request this Honorable Court to enter judgment by default against the Defendant, Best Machinery & Electrical, Inc., and in support of same would show unto the Court as follows:

1.

Plaintiff's Amended Complaint was filed on January 22, 2013. The Defendant, Best Machinery & Electrical, Inc., were duly served with a copy of the summons by process server, together with a copy of Plaintiff's Amended Complaint on August 9, 2013. That more than thirty (30) days elapsed since the date on which said Defendant was served with summons and a copy of the Amended Complaint and the Defendant failed to plead or otherwise appear.

2.

On September 6, 2013, Plaintiff filed its application for entry of default and supporting affidavit and the Clerk's entry of default was filed on September 6, 2013.

3.

Plaintiff respectfully request the Court enter Judgment by Default against Best Machinery & Electrical, Inc. pursuant to Fed. R. Civ. P. 55(b).

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff respectfully requests this Honorable Court to enter judgment by default against the Defendant, Best Machinery & Electrical, Inc.

Respectfully Submitted,

**POWERTRAIN, INC.**

/s/ Duncan Lott

DUNCAN LOTT, MBN 1431

Attorney for Plaintiff

Of Counsel:

**LANGSTON & LOTT, P.A.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of September, 2013, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Jeffery M. Navarro, Esq.  
jeffnavarro53@att.net  
P. O. Box 162  
Amory, MS 38821

This the 9<sup>th</sup> day of September, 2013.

/s/ *Duncan Lott*  
DUNCAN L. LOTT, MBN 1431